

EXHIBIT C

November 17, 2023

Honorable Jennifer H. Rearden
United States District Judge
500 Pearl Street
Southern District of New York
New York, New York 10007

Re: Sentencing of Charles McGonigal

Dear Judge Rearden,

The last thing I thought I would be doing after retiring from the FBI in 2022 was to be writing to a federal court with the responsibility of sentencing Charlie McGonigal, but here I am. By way of introduction, my name is Tom Shaughnessy. I graduated from UVA Law in 1976. While I was in law school I took the courses necessary to sit for the CPA exam. I passed the CPA exam in May 1976 and the Bar exam in July 1976. I practiced law for more than 30 years handling mainly plaintiff's fraud cases and other business law matters.

I was in the first class of Forensic Accountants hired by the FBI and went through Quantico in 2010. I was 59 when hired and took the job as my retirement gig, intending to stay until I was 65. I loved the job and ended up staying until I was 71 when my wife of 50 years said, "Enough, already." We live now in Southport, NC, a small town located where the Cape Fear River flows into the Atlantic Ocean.

Charlie recruited me right out of Quantico. Because he was supervising a high-speed espionage squad at the time, he had the pick of the litter. He wanted me because of my CPA, of course, but Charlie liked having lawyers on his squad because most national security cases involve complicated federal statutes. Half of the folks on my squad had law degrees. He was far and away the best supervisor I had in the FBI, maybe a factor of ten. Remarkable and extraordinary are the correct adjectives.

The court, no doubt, supervises, is supervised, and has been supervised in a professional occupation. To keep this letter to a reasonable length, I will offer one or two examples of Charlie's skills and accomplishments as an SSA with the understanding that I could go on at length.

As a member of a squad, particularly a high-speed squad, you want an SSA who will have your back, mainly with the Headquarters folks, so you can work your cases creatively and securely. The HQ folks have their job to do as well so the tension is healthy but sometimes the pressure from the HQ desk can only be resisted with the help of your SSA. Some SSAs help but most defer to HQ desk because they will do nothing to endanger their own advancement. Fear of failure and fear of offending HQ are the hallmarks of a lousy SSA. Yet, the SSA has a career to advance as well. Charlie walked this tightrope well. His squad was a safe and secure place to work sometimes impossible national security cases.

Also, and just as an aside, Charlie was an equal opportunity SSA. No detectable prejudice with respect to women, minorities, handicapped, nothing. And no detectable favorites on the squad. I had him by about 15 years in age, but Charlie was about 10 years older than most on the squad. Not exactly a father figure, more like an experienced older brother who knew his way around and took complete ownership of your professional success. Charlie was ambitious but believed that his success depended on your success.

One short war story. Most of the folks on our squad were Type A High Need Achievers. If anything, they needed to be held back when working their cases. These folks did not take supervision well or lightly. One guy on the squad was known as Angry Kevin. But Charlie went over to the Hoover building one day and came back with the Bradley Manning/Julian Assange case ("Wikileaks"), gave it to Angry Kevin, and that case made Kevin's reputation. Kevin has gone on to have a truly outstanding career with the FBI which continues to this day. Kevin is an excellent SSA in his own right.

And in contrast, on the squad as in life, there is always an anchor man. One person who is always bringing up the rear. The guy on our squad who could not get out of his own way was named Mike. Mike was rough as a cob with a true potty mouth. His FBI career was going nowhere; he was literally at a dead end. Mike was nice enough to his friends, but he had few friends. Over the course of about 5 years, I watched Charlie transform this guy.

Mike was unrecognizable after Charlie finished. Literally. Mike was physically, intellectually and emotionally transformed. He ended up getting the necessary boxes checked here and there, got a Master's Degree in National Security and moved on to a desk at Headquarters where he was known to be a fair but effective advocate for the field agents. Charlie worked a professional miracle with Mike. Extremely impressive performance because Charlie made something out of nothing. Silk purse from a sow's ear.

I think the court may have an inkling about what it takes to achieve what Charlie achieved at the FBI. The basic qualifier is excellence in all areas. Then you add a big dollop of luck, the right mentors, and off you go. As Charlie closed in on a well-deserved retirement, he had earned a position and a reputation which goes only to the Bureau's finest.

I have spent many hours trying to understand what happened next. It is clear as a bell to me that Charlie faced an existential crisis. It is also clear as a bell to me that, unlike my fellow squad members, Charlie did not have a Charlie he could turn to when he was in crisis. The top folks at the FBI, like federal court judges, exist in a rarified atmosphere which most of us cannot breathe. While many in that environment want to be helpful and will be helpful if asked, there are not many who are actually available in time to help. That, I believe, explains what happened here and why it is so tragic. Charlie had no Charlie of his own.

Charlie's behavior is so out of character and so abnormal that I can only conclude that he was unable to find a reliable mentor in that crisis. And the tragedy, of course, is that he had been that reliable mentor for so many people over the course of an otherwise distinguished counter-intelligence career. (The court is no doubt familiar with the classified largely unprecedented national security cases Charlie supervised over the course of his career, particularly the China case).

Charlie is not a bad person. He is not an evil person. And, frankly, I do not think of him as a weak person. But at a critical moment, he failed. Your honor, I do not envy you at this moment and I recognize you have superior knowledge and experience in your area. But, in my experience, if ever there was a person who deserves a second chance and an opportunity to make right a terrible failure of judgment, Charles McGonigal is that person.

Regards,



Thomas J. Shaughnessy

